

# Agenda

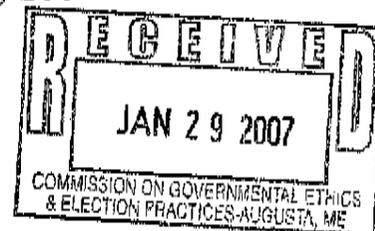
## Item #8

**Evergreen Mountain Enterprises, LLC**

P.O. Box 100  
Rumford, Maine 04276  
(207) 357-7384  
[EvergreenMountain@gmail.com](mailto:EvergreenMountain@gmail.com)

January 26, 2007

Martha Demeritt  
State of Maine  
Commission of Governmental Ethics  
135 State House Station  
Augusta, ME 04333

**RE: Finance Report Final Penalty Determination Request**

Dear Martha,

I am in receipt of your notice. As I informed you, our treasurer Joy Bordeau has been sick starting a couple days before the Report was due up to the present time. This has been a shock to me. From the moment Joy started volunteering to help on our project she has had an unbelievable work ethic. She literally worked 14 hour days every day, calling volunteers, some who we have paid, to collect signatures for our citizen's initiative. She was very reliable and I could just ask her to do something and would consider it done. This is why when Joy told me the day before that she had to turn in a PAC report the next day I didn't question it. She said that on the due day she just had a doctor's appointment in the morning and would have it done after that. She added that there wasn't really much activity for the period so it should take her at most an hour. I spoke to her on her cell phone when she was getting the blood-work done that day. She said that things were taking a bit longer than anticipated but it would be no problem.

I called back to check on her during the afternoon and got no answer, which is extremely rare- she is always right by her phone. I proceeded to call and email her several times throughout the afternoon and that night. I hoped for the best, as I know Joy would never let me down. I figured she filed it because she has never told me something and not done it. The next day I got an email stating that the report had not been filed. I intensified looking for Joy, I couldn't reach her either though. I became worried and called the hospitals and finally went over to her house. The hospitals said she wasn't there. Thus I could not get the financial records and receipts to do the report myself. I emailed you Martha to inform you of the situation as I knew it.

The next morning I got another notice from you that the report was still not filed. I again went to Joy's house. This time she was home. She explained that she had been in the hospital but now was out. She had been up for three straight days with a sleeping medical condition, along with some personal problems with her ex-husband, and her daughter was sick. We finally got together and finished the report, which took only 20 minutes after she successfully logged in.

Hopefully you agree that these are mitigating circumstances and agree to waive this penalty of \$18.24. Thank you for your consideration.

Sincerely,



Seth Carey



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

January 23, 2007.

Seth Carey, Treasurer  
MaineCasinoNow.com  
P.O. Box 100  
Rumford, ME 04276

Dear Mr. Carcy:

You filed the January Quarterly campaign finance report on 1/18/07 that was due on 1/16/07. A penalty must be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the PAC's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your report is \$18.24. Please refer to the enclosed penalty matrix for more details on how the penalty is computed.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign for receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear and will notify you of the date and time of the next Commission meeting. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

Please note that the Commission may waive the penalty in whole or in part if it determines the failure to file a timely report was due to mitigating circumstances. "Mitigating circumstances" means 1) a valid emergency of the committee treasurer determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; or 3) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

Sincerely,

Martha Demeritt  
PAC Registrar

Enc.: PAC Penalty Matrix & Billing Statement

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: WWW.MAINE.GOV/ETHICS



STATE OF MAINE  
 COMMISSION ON GOVERNMENTAL ETHICS  
 AND ELECTION PRACTICES  
 135 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333-0135

January 23, 2007

Seth Carey, Treasurer  
 MaineCasinoNow.com  
 P.O. Box 100  
 Rumford, ME 04276

The Commission staff has made a preliminary determination, based upon the application of the statutory formula that a penalty of \$18.24 applies for the late filing of your January Quarterly report. If you agree with this preliminary determination, please make your check or money order in that amount payable to "Treasurer, State of Maine," and send it, along with the bottom half of this letter, to the **Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333**, within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like the Commission to make a final determination of any penalty to be assessed in this case.

Failure to pay the full amount of an assessed penalty is a civil violation. The Commission is required to report to the Attorney General the name of any person who fails to pay the full amount of any penalty.

Please direct any questions you may have about this matter to the Commission at 287-4179.

Cut Along Dotted Line

To: Commission on Governmental Ethics and Election Practices  
 135 State House Station  
 Augusta, Maine 04333

|  |
|--|
| For Office Use Only<br>Account: CGEEP<br>Fund: 010<br>Appr: 01 |
|--|

From: Seth Carey, Treasurer  
 MaineCasinoNow.com

RE: Penalty for late filing of January Quarterly Report (\$18.24)

Amount Enclosed: \$ \_\_\_\_\_

Check/M.O. No.: # \_\_\_\_\_

PLEASE MAKE CHECK PAYABLE TO TREASURER, STATE OF MAINE.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
 WEBSITE: WWW.MAINE.GOV/ETHICS

January Quarterly

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES  
21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

*Example:* The treasurer files the PACs report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

|         |  |
|---------|--|
| \$2,500 | Greater of the amount of total contributions received or expenditures made during the filing period. |
| X .01   | Percent prescribed for first violation   |
| \$25.00 | One percent of total contributions   |
| x 2     | Number of calendar days late   |
| \$50.00 | Total penalty Commission may assess  |

Your penalty is calculated as follows:

|                            |           |
|----------------------------|-----------|
| Contributions/Expenditures | \$ 912.62 |
| Percent prescribed:        | x 1%      |
|                            | \$ 9.12   |
| Number of days late:       | x 2       |
| Total penalty accrued:     | \$ 18.24  |

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES  
21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;  
\$5,000 for quarterly reports.



## Welcome to the Campaign Finance Electronic Filing System Site

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[Help](#)
[Logout](#)
[Change Password](#)
[Admin Page](#)

1/22/2007

Home Page for MaineCasinoNow.com

CAMPAIGN YEAR 2006

| REPORT TYPE             | REPORTING PERIOD         | DUE DATE   | DATE FILED               | STATUS          | LAST MODIFIED                |       |
|-------------------------|--------------------------|------------|--------------------------|-----------------|------------------------------|-------|
| PAC<br>Registration     | 1/1/2006 to 12/31/2006   |            | 10/16/2006<br>3:10:50 PM | Filed           | 12/21/2006<br>12:15:45<br>PM | Print |
| April<br>Quarterly      | 1/6/2006 to 3/31/2006    | 4/10/2006  |                          |                 |                              |       |
| 6-Day Pre-<br>Primary   | 4/1/2006 to 6/1/2006     | 6/7/2006   |                          | In-<br>Progress |                              | Print |
| 42-Day Post-<br>Primary | 6/2/2006 to 7/18/2006    | 7/25/2006  |                          | In-<br>Progress |                              | Print |
| October<br>Quarterly    | 7/19/2006 to 9/30/2006   | 10/10/2006 |                          |                 |                              |       |
| 6-Day Pre-<br>General   | 10/1/2006 to 10/26/2006  | 11/1/2006  | 11/1/2006<br>4:40:57 PM  | Filed           | 12/20/2006<br>11:01:49<br>AM | Print |
| 42-Day Post-<br>General | 10/27/2006 to 12/12/2006 | 12/19/2006 | 12/19/2006<br>3:22:29 PM | Filed           | 12/19/2006<br>3:22:29 PM     | Print |
| January<br>Quarterly    | 12/13/2006 to 1/5/2007   | 1/16/2007  | 1/18/2007<br>4:31:47 PM  | Filed           | 1/18/2007<br>4:31:47 PM      | Print |
| PAC<br>Termination      | 1/1/2006 to 12/31/2006   |            |                          |                 |                              |       |

Candidate PACS - 24-Hr Report of Late Contributions and Expenditures N/A MULTIPLE

Ballot PACS - 24-Hr Report of Late Contributions and Expenditures N/A MULTIPLE

Please click on the following buttons to Download schedule informations in excel format.

**Demeritt, Martha**

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**From:** Demeritt, Martha  
**Sent:** Thursday, January 18, 2007 11:23 AM  
**To:** 'Seth Carey'  
**Subject:** RE: LATE REPORT: PAC January Quarterly  
**Attachments:** af9c8e11.pdf

When your PAC registered with us, you listed yourself as the PAC treasurer, which is why all correspondence from this office is addressed to you, the PAC treasurer. Please see the first page of the registration form which is attached. If you'd like to change this, please send something in writing to the Commission.

Thank you,  
Martha

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**From:** Seth Carey [mailto:evergreenmountain@gmail.com]  
**Sent:** Thursday, January 18, 2007 11:05 AM  
**To:** Demeritt, Martha  
**Subject:** Re: LATE REPORT: PAC January Quarterly

Martha,

Joy is the treasurer, not me.

Seth

On 1/18/07, **Demeritt, Martha** <Martha.Demeritt@maine.gov> wrote:

While I understand you have your assistant file the reports, as the treasurer of the PAC it is your responsibility to file the report. I'd encourage you to make contact with Joy and file the report as soon as possible. As of this morning it has not been filed.

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**From:** Seth Carey [mailto:evergreenmountain@gmail.com]  
**Sent:** Thursday, January 18, 2007 12:22 AM  
**To:** Demeritt, Martha  
**Subject:** Re: LATE REPORT: PAC January Quarterly

Dear Martha,

Has Joy sent the report in yet? She promise me it would be in on time and that she had to go to the hospital for some testing. I have called her and her family many times but have not heard from anyone. I called the hospital but she is not there. She could be at another hospital, I do not know. I have a record of the few checks I wrote during this period but Joy has any receipts. She must be sick, she is very responsible. I can't get the receipts as they are at her place. They are only for gas I believe, but not positive. What should I do?

1/29/2007

Thank you,

Seth Carey

On 1/16/07, Demeritt, Martha <[Martha.Demeritt@maine.gov](mailto:Martha.Demeritt@maine.gov)> wrote:

PAC Treasurer,

As of 5:00 p.m. today you did not file your PAC's January Quarterly campaign finance report.

Since penalties accrue daily, I strongly encourage you to file your report as soon as possible.

Thank you,  
Martha

Martha Demeritt  
Lobbyist, PAC & Party Registrar  
Maine Ethics Commission  
135 S.H.S.  
Augusta, ME 04333  
(207) 287-6221  
[www.maine.gov/ethics](http://www.maine.gov/ethics)

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Evergreen Mountain Resort

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Evergreen Mountain Resort

**Demeritt, Martha**

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**Subject:** Treasurer

-----Original Message-----

From: Seth Carey [mailto:[sethcarey@hotmail.com](mailto:sethcarey@hotmail.com)]

Sent: Tuesday, January 23, 2007 5:48 PM

To: Demeritt, Martha

Subject: Treasurer

Dear Martha,

As stated, please list Joy Bordeau as our treasurer for [MaineCasinoNow.com](http://MaineCasinoNow.com)

Thank you,

Seth

**CONFIDENTIALITY NOTICE:** This e-mail message, including any attachments, is deemed confidential in nature and is for the sole use of the intended recipient(s). It may contain information that is privileged or confidential. Any unauthorized review, use, disclosure or distribution without the express or implied consent is prohibited. If you are not the intended recipient, you must not distribute this message. If you are not the intended recipient, please delete it and contact the sender by reply e-mail. Thank you.

[sethcarey@hotmail.com](mailto:sethcarey@hotmail.com)

PAC REPORT DUE TODAY by 5:00 p.m.

## Demeritt, Martha

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**Subject:** PAC REPORT DUE TODAY by 5:00 p.m.

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**From:** Demeritt, Martha [mailto:Martha.Demeritt@maine.gov]

**Sent:** Tuesday, January 16, 2007 9:52 AM

**To:** Kathleen Newman; matt@actblue.com; randy.lowe@umit.maine.edu; rongreen@profirefighter.com; Lisa Kubiak; landmk01@maine.rr.com; mtl@mtla.org; andrec@adelphia.net; stavrosmendros@yahoo.com; lbenoit@bssn.com; anneshee@aol.com; mgray@nea.org; daveb@psouth.net; hannah@waterdividendtrust.com; gfoster@securespeed.net; rjbarstow@yahoo.com; jnutting@verrilldana.com; gregolsonme@yahoo.com; jamie@meoil.com; rebecca@meoil.com; n4smiths@ctel.net; jnutting@verrilldana.com; gertraude.heineken@yahoo.com; heather quinn; mmayhew@themha.org; Joe Bruno; justin@indyvoter.org; ann.woloson@verizon.net; mfpbren@aol.com; john.leavitt@adelphia.net; meaficio@aol.com; pinkhamc@mech.com; cindybutts@aol.com; bonnie@mainerealtors.com; tomeara@pierceatwoodconsulting.com; faith.benedetti@mainegeneral.org; info@mainecommonsense.org; dthomson@bowdoin.edu; Anya Trundy; megrc@qwi.net; ihanson@maine.edu; djackson@mainedo.org; mseaseiu@mseaseiu.org; carolpal@verizon.net; evergreenmountain@gmail.com; scsmedia@aol.com; jnutting@verrilldana.com; naswmaine@naswmaine.org; matfive@verizon.net; richardnass@metrocast.net; madkins@nrahq.org; rsmith@nrahq.org; ben2klucia@yahoo.com; jconn10471@aol.com; mrtaxcut@juno.com; pulka4u@yahoo.com; members@samcef.org; dan@d4security.com; christie@mainegop.com; mgarvey@comcast.net; mike@cusecurity.com; daveb@psouth.net; Joe Bruno; John Robinson; steve@leklaw.com

**Subject:** PAC REPORT DUE TODAY by 5:00 p.m.

**Importance:** High

PAC Treasurers,

You are receiving this message because my records indicate that you have not filed your January Quarterly campaign finance report which is due today by 5:00 p.m.

Please file your report electronically before that time to avoid any penalties.

If you believe I am in error, please let me know.

Thank you.

Martha Demeritt  
Lobbyist, PAC & Party Registrar  
Maine Ethics Commission  
135 S.H.S.  
Augusta, ME 04333  
(207) 287-6221  
[www.maine.gov/ethics](http://www.maine.gov/ethics)

**STATE OF MAINE**  
**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**  
 135 State House Station, Augusta, Maine 04333-0135  
 Tel: (207) 287-4179 Fax: (207) 287-6775 www.maine.gov/ethics  
 Electronic Filing: www.maine.campaignfinance.com

**POLITICAL ACTION COMMITTEE  
 CAMPAIGN FINANCE REPORT 2006**

|  |  |  |
|--|--|--|
| <i>Political Action Committee Name</i><br>MAINECASINONOW.COM         |  | <i>Acronym</i>                           |
| <i>Street Address (official headquarters of PAC)</i><br>P.O. BOX 100 |  |  |
| <i>City, State, Zip Code</i><br>RUMFORD, ME, 04276                   |  | <i>Telephone Number</i><br>(207)357-7384 |
| <i>Treasurer Name</i><br>CAREY, SETH                                 |  |  |
| <i>Mailing Address</i><br>P.O. BOX 100                               | <i>City, State, Zip Code</i><br>RUMFORD, ME, 04276 |  |
| <i>Telephone Number</i><br>(207)357-7384                             |  |  |
| <i>E-mail Address</i><br>evergreenmountain@gmail.com                 |  |  |

If any contact information has changed since the previous report, check here ( )

|                               |                         |                                 |
|-------------------------------|-------------------------|---------------------------------|
| <b><u>Type of Report:</u></b> | <b><u>Due Date:</u></b> | <b><u>Reporting Period:</u></b> |
| JANUARY QUARTERLY             | 1/16/2007               | 12/13/2006 - 1/5/2007           |

( ) **Other (specify) :**

( ) **Amendment to :**

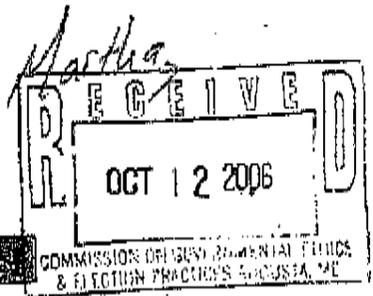
( ) **No Change Report** : If your committee received no contributions and made no expenditures during this period, provide the current cash balance : \$ \_\_\_\_\_ , and sign below.

**I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.**

|                                |               |
|--------------------------------|---------------|
| SIGNATURE ON FILE              | 1/18/2007     |
| _____<br>TREASURER'S SIGNATURE | _____<br>DATE |

This is an update.

STATE OF MAINE  
 Commission on Governmental Ethics and Election Practices  
 135 State House Station  
 Augusta, Maine 04333  
 Tel: (207) 287-6221 Fax: (207) 287-6775  
 Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)



A political action committee must register with the Commission within 7 days of accepting contributions, incurring obligations or making expenditures in the aggregate in excess of \$1,500 in any single calendar year to initiate, support, defeat or influence in any way a campaign, referendum, initiated petition, candidate, political committee or another political action committee (21-A M.R.S.A. §1053).

Within 10 days of a change in PAC information an amended registration form must be submitted to the Commission.  
The committee must file an updated registration every election year between January 1<sup>st</sup> and March 1<sup>st</sup>.

I. COMMITTEE INFORMATION

Name of committee WWW.MaineCasinoNow.com Acronym \_\_\_\_\_  
 Mailing address P.O. Box 100 Telephone # 357-7384  
 City, State, Zip Code Rumford, ME 04276 Fax # \_\_\_\_\_  
 Website www.MaineCasinoNow.com / www.EvergreenMountainResort.com

II. IDENTIFICATION OF TREASURER AND PRINCIPAL OFFICERS OF COMMITTEE

A. Committee Treasurer: Seth Carey  
 Mailing address POB 100 Telephone # same  
 City, State, Zip Code Rumford, ME 04276 E-Mail EvergreenMountain@gmail.com

B. Principal Officers:  
 Name Seth Carey Title President  
 Mailing address POB 100  
 City, State, Zip code Rumford, ME 04276 Telephone # same  
 Name N/A Title \_\_\_\_\_  
 Mailing address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_

C. Identify any candidates, Legislators or other individuals who are the primary fundraisers and decision makers for the committee.  
N/A

III. MAILING ADDRESS (Filing notices and correspondence will be mailed to this address.)

Evergreen Mtn. Enterprises, LLC  
POB 100  
Rumford, ME 04276

## Title 21-A, §1062-A, Failure to file on time

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**PLEASE NOTE: The Revisor's Office CANNOT perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.**

### §1062-A. Failure to file on time

**1. Registration.** A political action committee required to register under section 1053 that fails to do so in accordance with section 1053 or that fails to provide the information required by the commission for registration may be assessed a forfeiture of \$250. [1995, c. 483, §21 (new).]

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §9 (amd).]

B. An error by the commission staff; or [1999, c. 729, §9 (amd).]

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service. [1999, c. 729, §9 (new).]

[2003, c. 628, Pt. A, §7 (amd).]

**3. Basis for penalties.** The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [1995, c. 483, §21 (new).]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (new).]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (new).]

Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[1995, c. 483, §21 (new).]

**4. Maximum penalties.** The maximum penalties under this subchapter are \$10,000 for reports required under section 1059, subsection 2, paragraphs B, C and E and \$5,000 for reports required under section 1059, subsection 2, paragraph A.